



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
EMERGENCY RESPONSE BRANCH
9311 GROH ROAD, ROOM 216
GROSSE ILE, MI 48138-1697

EPA Region 5 Records Ctr.



201361

OCT 02 2003

MEMORANDUM

REPLY TO ATTENTION OF

SUBJECT: ACTION MEMORANDUM - Request for an Emergency Removal Action at the Sealmore Corporation Site, Muskegon, Muskegon County, Michigan (Site ID #B56U)

FROM: Jeffrey W. Kimble, On-Scene Coordinator
Emergency Response Branch - RS1

J. W. Kimble 9/25/03

TO: Richard C. Karl, Chief
Emergency Response Branch

THRU: Jason H. El-Zein, Chief
Response Section 1

J. H. El-Zein 9/25/03

I. PURPOSE

The purpose of this memorandum is to request and document your approval of a total ceiling of \$101,750 in order to mitigate threats to public health, welfare, and the environment at the Sealmore Corporation Site (the Site) in Muskegon, Muskegon County, Michigan. In addition, this memorandum serves to document the verbal approval of a \$50,000 clean-up contractor cost ceiling to conduct the emergency response removal action initiated on June 5, 2003. This response action was necessary to mitigate the imminent threat to public health and the environment posed by uncontrolled hazardous chemicals at the Site. The request for assistance to respond to the emergency came from the Michigan Department of Environmental Quality (MDEQ).

This emergency response action was conducted pursuant to section 104(a) (1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604(a) (1), as amended. Characterization, packaging, and off-site disposal of all hazardous materials and hazardous wastes was completed on July 1, 2003, and control of the building was returned to the local authorities. The City of Muskegon officials had deemed the building unfit for occupancy in February 2003, prior to the removal, and plans to demolish the structure.

The Site is not on the National Priorities List (NPL).

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID #MIN 000 508 896

A. Physical Location and Description

The Site is located at 423 Ottawa Street, Muskegon Muskegon County, Michigan, 49442. The geographical coordinates for the Site are Latitude 43°14'673" N and Longitude 86°14'382" W. The Site consists of an industrial building located in a mixed residential/commercial neighborhood.

According to the Region V Superfund Environmental Justice Analysis for Michigan, the low income percentage is 29% or greater and the minority percentage is 18%. To meet the Environmental Justice (EJ) concern criteria, the area within one mile of the Site must have a population that is twice the state low income and/or twice the state minority percentage. That is, the area must be at least 58% low income and/or 36% minority. There are approximately 1,131 people who live in the area of the Site (Census Tract 2 Block Group 1). The minority population at the Site is 79% and the low income population is 70%. Therefore, this Site meets the Regions EJ criteria based on demographics as identified in Region V's "Interim Guidelines for Identifying and Addressing a Potential EJ Case", June, 1998.

B. Site Background

The Site is in a mixed residential/commercial area with two residential properties located across the street from the abandoned facility to the east. Less than a half a mile to the west is Lake Muskegon and a recreational area. A railroad line borders the Site approximately 100 feet to the west. Two empty storage trailers, two steel tanks in poor condition, and several dumpsters containing debris are located outside the building to the south. The Site consists of a one-room processing building with an attached office along the east wall of the building and a driveway on the south side of the building.

The Sealmore Site was formerly a metal finishing electro-plating facility. Activities conducted at the Site included zinc and aluminum chromating, vacuum pressure resin impregnation of castings, and venetian blind cleaning. The plating operations consisted of two types of processing lines which included a zinc chromating line and an aluminum chromating line. Wastewater from these lines was historically discharged to a sanitary drain without treatment.

On February 10, 2003, the City of Muskegon condemned the facility due to its deteriorating and unsafe condition. The City of Muskegon subsequently boarded up the building due to vandals attempting to access the building. Additional attempted

break-ins were documented after the City of Muskegon originally boarded the facility. On April 23, 2003, the City of Muskegon notified MDEQ of the abandoned facility. MDEQ conducted a Site inspection on April 28, 2003, and noted missing building bricks, attempted vandalism, and visible staining on the eastern exterior wall of the facility. The roof was also collapsed in several areas allowing rain water to enter and pool on the floor and collect in the vats and in an open floor pit. Several deteriorating containers that were leaking, open process tanks, and open floor pits were identified. Containers observed during the inspection included 10 55-gallon drums located outside of the building, 15 55-gallon drums located inside the building, 16 open process tanks located inside the building, 5 55-gallon cardboard containers containing a white powder material, 9 5-gallon containers located inside the building, and 4 open floor pits located inside the building.

On June 2, 2003, MDEQ requested emergency assistance from U.S. EPA to mitigate the imminent health, safety, and environmental threats at the Site due to the potential for access to the inside of the dilapidated building and because of recent attempted vandalism activities.

Removal Actions

Due to the imminent and substantial threat to human health and the environment, and the fact that the building could not be properly secured against unauthorized access, U.S. EPA determined after it inspected the Site that an emergency response removal action was necessary. The Emergency and Rapid Response Services (ERRS) contractor, Environmental Restoration, LLC, conducted the removal work. On June 5, 2003, the Emergency Response Branch (ERB) Chief verbally approved a \$50,000 ceiling for ERRS to initiate the removal action. As the emergency removal continued, the OSC requested an additional \$25,000 from the acting Branch Chief, and a final ceiling was established at \$75,000 on the ERRS tasking order. The removal action was completed on July 1, 2003.

III. THREATS TO PUBLIC HEALTH, WELFARE, OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Site presented a potential threat of release of CERCLA hazardous substances, presented an imminent and substantial threat to the public health, or welfare, and the environment, and met the criteria for an emergency removal action provided for in the National Contingency Plan (NCP), 40 C.F.R. § 300.415(b)(2). These criteria include:

- 1) ***Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;***

This factor was present at the Site due to the presence of open and uncontrolled vats and 55-gallon drums of hazardous materials at the Site which were leaking, or were in danger of leaking, due to rainwater infiltrating the building. Hazardous materials confirmed to be leaking from on-site containers included chromium-contaminated acids (including hexavalent chrome), hydrofluoric acid and benzene-contaminated liquids. Other wastes confirmed to be in on-site containers included flammable liquids, nitric acid, sulfuric acid, chromic acid, and caustic liquids. The OSC noted that at least a small amount of liquid material had migrated under a garage door of the facility and onto the concrete area to the south of the facility, since he observed obvious staining indicating a past release.

Many of the containers were in poor condition or were completely open and unsecured. Some of these chemicals had either leaked or been released onto the floor and around the floor drain which led to the City of Muskegon sanitary sewer line. Migration of these chemicals off Site with rain and/or leaking water could have led to health and environmental impacts to local populations and the environment.

2) *Threat of fire or explosion;*

The threat of fire or explosion existed at the Site due to the presence of more than 200 gallons of flammable liquids present at the Site. Several of the containers at the Site were documented to be in deteriorating condition.

A fire or explosion created from uncontrolled flammable liquids could have potentially caused the migration of hazardous substances over the adjacent residential and industrial area as well as led to an uncontrolled air release of toxic materials if other on-site hazardous wastes caught on fire.

3) *Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;*

The threat of release of hazardous materials from on-site storage containers was documented at the Site. The OSC observed areas of the facility floor containing pooled liquids which were a direct result of overflowing of storage containers due to water leaking into the building. Field observations (i.e. staining, wet areas of the facility floor next to discharge points) indicate that at least some of the spilled material may have migrated off Site under a garage door or down the sanitary sewer line.

4) *The availability of other appropriate Federal or State response mechanisms to respond to the release*

MDEQ referred the Site to U S EPA due to the lack of funding to deal with an emergency situation of this size. Terry O'Brien, MDEQ, Wyoming, Michigan office made the request and was available throughout the removal activities.

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the suspected hazardous substances on the Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response actions selected in this Action Memorandum, may have presented an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

The purpose of this emergency removal action was to mitigate the immediate threats posed to public health, welfare, or the environment by the presence of uncontrolled and open containers of hazardous substances at the Sealmore Corporation Site. Removal activities at the Site included the inventory, collection, and consolidation of all characterized wastes for off-site disposal. Specifically, the following actions were performed:

- 1) Developed and implemented a Site-specific Health and Safety plan.
- 2) Provided Site security during non-working hours.
- 3) Inventoried, identified, and consolidated the identified hazardous substances at the Site.
- 4) Decontaminated, demolished, and disposed of hazardous waste containers.
- 5) Identified and disposed of contaminated media.
- 6) Decontaminated the facility structures and floors.
- 7) Transported and disposed of all hazardous wastes at RCRA-approved disposal facilities, in accordance with the U S EPA Off-Site Rule, 40 CFR § 300.440.

The removal action was undertaken in a manner not inconsistent with the National Contingency Plan (NCP). The OSC initiated planning for the provision of post-removal site control consistent with the provisions of Section 300.415(l) of the NCP. The emergency removal action (complete removal of hazardous substances observed from the Site) limited the need for any post-removal Site control. MDEQ has agreed to further investigate any residual contamination at the Site to be handled in a non-emergency fashion.

The detailed cleanup contractor cost estimate is presented in Attachment 1, and estimated project costs are summarized below

REMOVAL PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS:

Regional Removal Allowance Costs

Total Cleanup Contractor Costs (This cost category includes estimates for ERRS and subcontractors)	\$ 75 000
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Other Extramural Costs Not Funded from the Regional Allowance

Total START, including multiplier costs	\$ <u>17,500</u>
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Extramural Subtotal	\$ 92,500
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Extramural Contingency (10%)	\$ <u>9,250</u>
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TOTAL REMOVAL PROJECT CEILING	\$101,750
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The response actions described in this memorandum directly addressed the actual or threatened release of hazardous substances, pollutants, contaminants at the Sealmore Corporation Site which may have posed an imminent and substantial endangerment to public health or welfare or to the environment. These response actions did not impose a burden on affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

Applicable or Relevant and Appropriate Requirements

All applicable, relevant, and appropriate requirements (ARARs) were complied with to the extent practicable. Federal ARARs for the Site included RCRA, given that the materials being dealt with were characteristic wastes. All hazardous substances, pollutants, or contaminants removed off Site during the emergency removal action were treated, stored, or disposed of at facilities in compliance with the U.S. EPA Off-Site Rule, 40 CFR § 300.440. MDEQ representative Terry O'Brien was on Site for a portion of the emergency removal action, and was consulted on all actions implemented in order to address the health and environmental threat at the Sealmore Corporation Site.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances documented on-site, and the potential exposure pathways to nearby populations described in Sections II and III above, actual or threatened release of hazardous substances from the Site, if not addressed by implementing the response actions documented in this Action Memorandum, would have presented an imminent and substantial endangerment to public health, welfare, or the environment.

VII. OUTSTANDING POLICY ISSUES

There were no outstanding policy issues at the Site.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be \$173,347¹

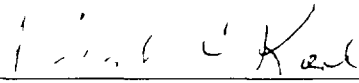
$$(\$101,750 + \$20,000) + (42.38\% \times \$121,750) = \$173,347$$

IX. RECOMMENDATION

This decision document represents the selected removal action for the Sealmore Corporation Site developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision was based upon information in the Administrative Record for the Site (See Attachment 2). Conditions at the Site met the

¹Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

NCP Section 300 415(b)(2) criteria for an emergency removal action, and I recommend your approval of the removal action. The total project ceiling, if approved, will be \$101,750. Of this, an estimated \$84,250 may be used for cleanup contractor costs. You may indicate your decision by signing below.

APPROVE  DATE 10-2-03
Chief, Emergency Response Branch

DISAPPROVE _____ DATE _____
Chief, Emergency Response Branch

Enforcement Addendum

Attachments

- 1 Detailed Cleanup Contractor Cost Estimate
- 2 Administrative Record Index
- 3 Region V EJ Analysis

cc R Worley, U S EPA, 5202-G
M Chezick, U S Department of the Interior, **w/o Enf. Addendum**
M Cox, Attorney General, State of Michigan, **w/o Enf. Addendum**
S Chester, Director, MDEQ, **w/o Enf. Addendum**
T O'Brien, MDEQ, **w/o Enf. Addendum**
J Hurst, MDNR, **w/o Enf. Addendum**

ENFORCEMENT ADDENDUM

**SEALMORE CORPORATION SITE
MUSKEGON, MUSKEGON COUNTY, MICHIGAN**

AUGUST 2003

**ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY**

(REDACTED 1 PAGE)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

ATTACHMENT 1
DETAILED CLEANUP CONTRACTOR COST ESTIMATE
SEALMORE CORPORATION SITE
MUSKEGON, MUSKEGON COUNTY, MICHIGAN

AUGUST 2003

The estimated cleanup contractor costs necessary to complete the removal action at the Sealmore Corporation Site are as follows

Personnel	\$ 35 000
Equipment	\$ 10,000
Disposal	\$ 20,000
Materials	\$ <u>10,000</u>
TOTAL	\$ 75,000



ATTACHMENT 2

U.S. ENVIRONMENTAL PROTECTION AGENCY REMOVAL ACTION

ADMINISTRATIVE RECORD FOR SEALMORE CORPORATION SITE MUSKEGON, MUSKEGON COUNTY, MICHIGAN

ORIGINAL
AUGUST 27, 2003

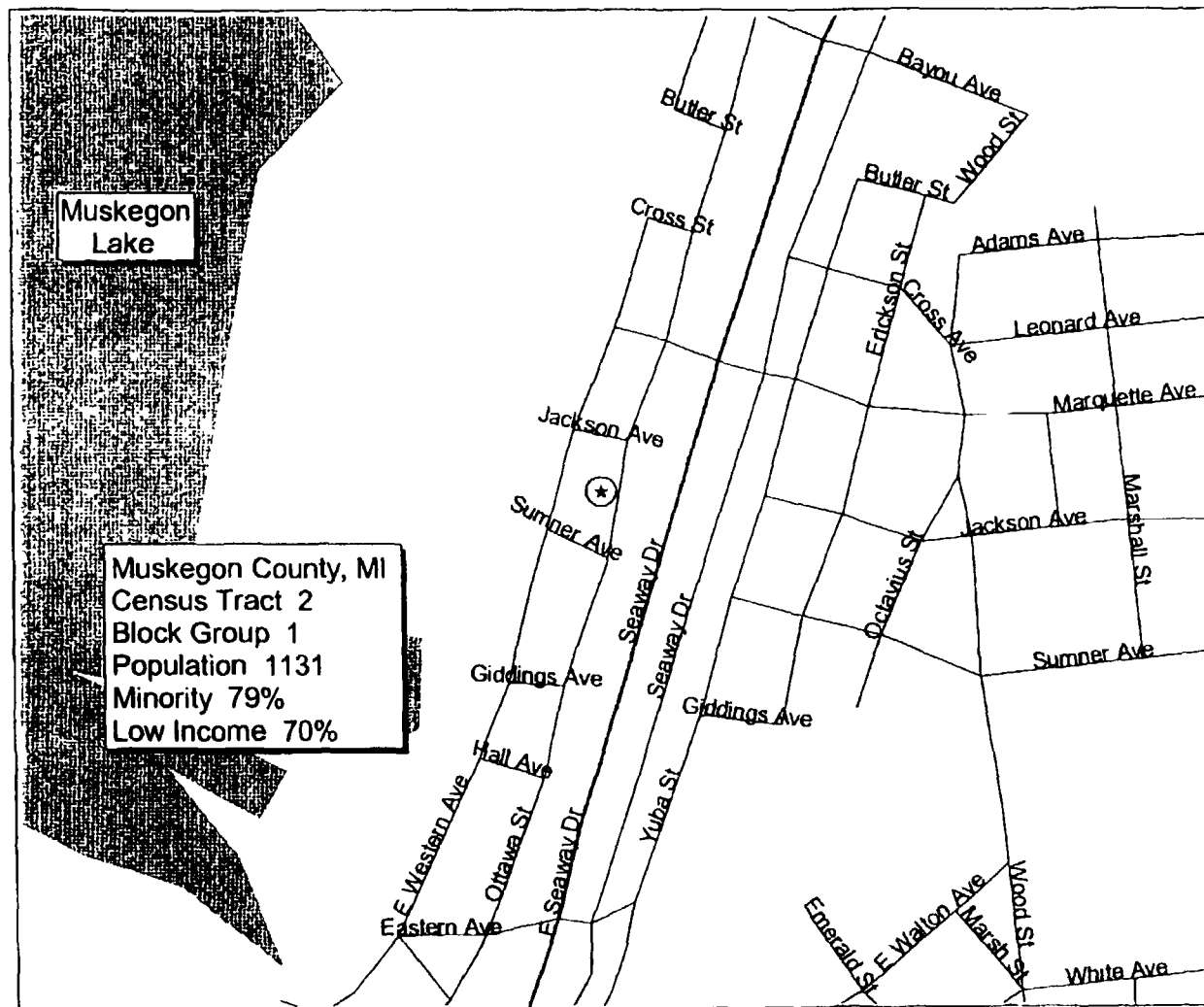
<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	04/29/03	MDEQ	File	MDEQ Criminal Complaint Investigation Request re the Sealmore Corporation Site	5
2	06/02/03	O'Brien, T , MDEQ	El-Zein, J , U S EPA	E-Mail Transmission re MDEQ's Request for U S EPA Emergency Assistance at the Sealmore Corporation Site	2
3	06/09/03	Kimble, J , U S EPA	Distribution List	Pollution Report (POLREP) #1 (Initial) for the Sealmore Corporation Site	5
4	07/15/03	Kimble, J , U S EPA	Distribution List	POLREP #2 (Final) for the Sealmore Corporation Site	4
5	08/07/03	MDEQ	File	MDEQ Complaint Form re the Sealmore Corporation Site	2
6	00/00/00	Kimble, J , U S EPA	Karl, R , U S EPA	Action Memorandum Request for an Emergency Removal Action at the Sealmore Corporation Site (PENDING)	

ATTACHMENT 3

**REGION V EJ ANALYSIS
SEALMORE CORPORATION SITE
MUSKEGON, MUSKEGON COUNTY, MICHIGAN**

Region 5 Superfund EJ Analysis

Sealmore Corporation Site Muskegon, MI



Muskegon Lake

Muskegon County, MI
Census Tract 2
Block Group 1
Population 1131
Minority 79%
Low Income 70%

State of Michigan averages:
Minority: 18%
Low Income: 29%

U.S. EPA Region 5
Environmental Justice Case Criteria
for State of Michigan

Minority: 36% or greater

Low Income: 58% or greater

⊙ Site Location



0 0.2 0.4 0.6 0.8 Miles

Date of Map 8/5/03

Source of Map: Census 2000 Database/
ArcView 3.0

INDEPENDENT GOVERNMENT

**SEALMORE CORPORATION SITE
MUSKEGON, MUSKEGON COUNTY, MICHIGAN**

AUGUST 2003

(REDACTED 1 PAGE)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION